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U.S. DISTRICT COURT E.D.N.Y.

★ APR 06 2011 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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DAVID RUSSELL and DANIELLE RUSSELL,

Plaintiffs,

**REPORT & RECOMMENDATION
10-CV-2892 (JBW)(LB)**

- against -

THE CITY OF NEW YORK, UNITED STATES
PROBATION OFFICER DAVEENA SINGH,
UNITED STATES PROBATION OFFICER
SEAN WATSON, UNITED STATES
PROBATION OFFICER VICTOR JEFFREY,
NYC POLICE OFFICER SERRANO, NEW
YORK CITY POLICE LIEUTENANT
SCHUMAN, et al.,


Defendants.

-----X
BLOOM, United States Magistrate Judge:

Plaintiffs filed the instant civil rights action against both federal and state actors on June 23, 2010. Although plaintiffs served the summons and complaint on the individual federal probation officers, they failed to file proof that they served the United States Attorney, Eastern District of New York, and the Attorney General of the United States as required under Rule 4(i)(3) of the Federal Rules of Civil Procedure. On January 6, 2011, the Court ordered plaintiffs to serve a copy of the summons and complaint on the United States by February 21, 2011. As of the present date, plaintiffs have failed to file proof of service on the United States.

CONCLUSION

Accordingly, it is respectfully recommended that plaintiffs' complaint should be dismissed against Daveena Singh, Sean Watson, and Victor Jeffrey without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.



FILING OF OBJECTIONS TO THIS REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from service of this Report to file written objections. Such objections (and any responses to objections) shall be filed with the Clerk of the Court. Any request for an extension of time to file objections must be made within the fourteen-day period. Failure to file a timely objection to this Report generally waives any further judicial review. Marcella v. Capital Dist. Physician's Health Plan, Inc., 293 F.3d 42 (2d Cir. 2002); Small v. Sec'y of Health and Human Services, 892 F.2d 15 (2d Cir. 1989); see Thomas v. Arn, 474 U.S. 140 (1985).


/Signed by Judge Lois Bloom/


LOIS BLOOM

United States Magistrate Judge

Dated: March 2, 2011
Brooklyn, New York

*No objection having been filed,
the above recommendation is so
ordered*


4/4/11